

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELLY CARN,

Defendant.

Case No.: 2:13-cr-00346-APG-GWF

ORDER

This matter is before the Court on Defendant's Motion for Return of Seized Property (#30) and the parties' Joint Status Report (#37).

One of the issue related to Defendant's Motion for Return of Seized Property (#30) is whether the Government or federal law enforcement agencies are in the possession, custody or control of computers or computer hard drives belonging to Defendant Carn or The Gun Vault, Inc. that were allegedly seized by the Las Vegas Metropolitan Police Department ("LVMPD") from 24/7 Private Vaults, located at 3110 E. Sunset Road, Suite H, Las Vegas, Nevada. Records contained on these computer hard drives are allegedly relevant to the claims and defenses in Karalis v. The Gun Vault, Inc. and Kelly Carn, Civil Case No. 2:12-cv-00694-APG-GWF. This Court previously ordered the LVMPD to return the computer hard drives or images thereof to Defendants Carn and The Gun Vault, Inc. so that they could respond to Plaintiff Karalis's discovery requests. On November 7, 2014, the LVMPD filed an Opposition (#103) in Civil Case No. 2:12-cv-00694-APG-GWF, stating that everything requested by Defendants is currently in the possession of the ATF.

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1 In their Joint Status Report (#37) filed in Criminal Case No. 2:13-cr-0346-APG-GWF on
2 November 12, 2014, the Government and Defendant Carn request an additional sixty (60) days “to
3 work out remaining issues and provide another status report to this Court.” The Court, however,
4 needs to determine for purposes of the above mentioned civil action whether the Government, ATF
5 or some other federal law enforcement agency is in possession of Mr. Carn’s or The Gun Vault,
6 Inc.’s computer hard drives, and if so, enter an appropriate order for the return of those hard drives
7 or images thereof so that Defendants can respond to discovery in the civil action. Accordingly,

8 **IT IS HEREBY ORDERED** that the Government and/or Defendant Carn shall file a status
9 report with the Court on or before **December 5, 2014**, advising whether the Government, the ATF
10 or another federal law enforcement agency has the possession, custody or control of computers or
11 computer hard drives belonging to Defendant Carn or The Gun Vault, Inc., and if so provide a
12 written itemization thereof to the Court. If the Government is in possession, custody or control of
13 said computers or computer hard drives, it shall further advise the Court as to when it will return
14 the hard drives or images thereof to Defendant Carn.

15 DATED this 24th day of November, 2014.

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18 GEORGE FOLEY, JR.
19 United States Magistrate Judge
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